

108TH CONGRESS  
2D SESSION

# H. R. 2010

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IN THE SENATE OF THE UNITED STATES

JUNE 15, 2004

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FINDINGS.**

2 Congress finds the following:

3 (1) It is in the national interest that qualifying  
4 members of the Armed Forces on active duty and  
5 other overseas voters be allowed to vote in Federal  
6 elections.

7 (2) Since 1980, when the first election for the  
8 Congressional Delegate from American Samoa was  
9 held, general elections have been held in the first  
10 week of November in even-numbered years and run-  
11 off elections have been held 2 weeks later.

12 (3) This practice of holding a run-off election 2  
13 weeks after a general election deprives members of  
14 the Armed Forces on active duty and other overseas  
15 voters of the opportunity to participate in the Fed-  
16 eral election process in American Samoa.

17 (4) Prior to and since September 11, 2001, and  
18 due to limited air service, mail delays, and other  
19 considerations, it has been and remains impossible  
20 for absentee ballots to be prepared and returned  
21 within a 2-week period.

22 (5) American Samoa law requiring members of  
23 the Armed Forces on active duty and other overseas  
24 voters to register in person also prevents participa-  
25 tion in the Federal election process and is contrary

1 to the Uniformed and Overseas Citizens Absentee  
2 Voting Act.

3 (6) Given that 49 states elect their Representa-  
4 tives to the United States House of Representatives  
5 by plurality, it is in the national interest for Amer-  
6 ican Samoa to do the same until such time as the  
7 American Samoa Legislature establishes primary  
8 elections and declares null and void the local practice  
9 of requiring members of the Armed Forces on active  
10 duty and other overseas voters to register in person  
11 which is contrary to the federal Uniformed and  
12 Overseas Citizens Absentee Voting Act.

13 **SEC. 2. PLURALITY OF VOTES REQUIRED FOR ELECTION**  
14 **OF DELEGATE.**

15 Section 2 of the Act entitled “An Act to provide that  
16 the Territory of American Samoa be represented by a non-  
17 voting Delegate to the United States House of Represent-  
18 atives, and for other purposes”, approved October 31,  
19 1978 (48 U.S.C. 1732; Public Law 95–556) is amended—

20 (1) in subsection (a)—

21 (A) by striking “majority” and inserting  
22 “plurality” the first place it appears; and

23 (B) by striking “If no candidate” and all  
24 that follows through “office of Delegate.”; and

7           “(d) EFFECT OF ESTABLISHMENT OF PRIMARY  
8 ELECTIONS.—Notwithstanding subsection (a), if the legis-  
9 lature of American Samoa provides for primary elections  
10 for the election of Delegate, the Delegate shall be elected  
11 by a majority of votes cast in any subsequent general elec-  
12 tion for the office of Delegate for which such primary elec-  
13 tions were held.”.

15       The amendments made by paragraph (1) of section  
16 2 shall take effect on January 1, 2006. The amendment  
17 made by paragraph (2) of section 2 shall take effect on  
18 January 1, 2005.

Attest: **JEFF TRANDAH**,  
*Clerk.*